

Bureau of Indian Affairs, Interior

§ 179.2

lands. The owners of lands represented by the following numbers will be afforded an opportunity to select lieu lands in the priority in which their numbers were drawn.

(d) When all selections of lieu lands have been made as provided in paragraph (c) of this section, the Secretary shall determine the comparability of the lands originally owned and the lieu selections. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(e) To determine whether the former Indian owned land and the selected lieu land in each case are of substantially the same value, the consideration paid by the United States for each tract may be accepted as indicative of the value of each tract at the time it was acquired. If information as to the price paid for any specific tract is not available, or if for any reason it is concluded that the consideration paid by the United States for the land is not acceptable evidence as to value for this purpose, the Secretary shall cause the tracts to be appraised to determine their comparability. The appraisals of lands shall be made on the basis of current market values. The lands shall be considered to be substantially the same value if the differences in values do not exceed 10 percent of the greater value.

§ 178.9 Lands formerly held subject to restrictions against alienation.

Former Indian owners who held title to the lands which were acquired for the gunnery range subject to restrictions against alienation without the approval of the Secretary of the Interior shall be conveyed title to the reacquired lands in a trust status in the same manner as though they had held trust title to the lands taken.

PART 179—LIFE ESTATES AND FUTURE INTERESTS

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AUTHORITY: 86 Stat. 530; 86 Stat. 744; 94 Stat. 537; 96 Stat. 2515; 25 U.S.C. 2, 9, 372, 373, 487, 607, and 2201–11.

SOURCE: 53 FR 25953, July 8, 1988, unless otherwise noted.

CROSS REFERENCE: For regulations pertaining to income, rents, profits, bonuses and principal from Indian lands and the recording of title documents pertaining thereto, see parts 150, Land Records and Title Documents; 152, Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands; 162, Leasing and Permitting; 163, General Forest Regulations; 166, General Grazing Regulations; 169, Rights-of-Way over Indian Lands; 170, Roads of the Bureau of Indian Affairs; 212, Leasing of Allotted Lands for Mining; 213, Leasing of Restricted Lands of Members of the Five Civilized Tribes, Oklahoma, for Mining; 215, Lead and Zinc Mining Operations and Leases, Quapaw Agency.

§ 179.1 Purpose, scope, and information collection.

(a) These regulations set forth the authorities, policy and procedures governing the administration of life estates and future interests in Indian lands by the Secretary of the Interior. These regulations do not apply to any use rights assigned by tribes, in the exercise of their jurisdiction over tribal lands, to tribal members.

(b) These regulations do not contain information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

§ 179.2 Definitions.

“Agency” means an Indian Agency or other field unit of the Bureau of Indian Affairs having the Indian land under its immediate jurisdiction.

“Contract Bonus” means cash consideration paid or agreed to be paid as incentive for execution of the contract.

“Income” means the rents and profits of real property and the interest on invested principal.

“Indian Land” means all lands held in trust by the United States for individual Indians or tribes; or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance.

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“Principal” means the corpus and capital of an estate, including any payment received for the sale or diminishment of the corpus, as opposed to the income.

“Secretary” means the Secretary of the Interior or authorized representative.

“Superintendent” means the designated officer in charge of an Agency.

§ 179.3 Application of State law.

In the absence of Federal law or Federally-approved tribal law to the contrary, the rules of life estates and future interests in the State in which the land is located shall be applied on Indian land. State procedural laws concerning the appointment and duties of private trustees shall not apply.

§ 179.4 Distribution of principal and income.

In all cases where the document creating the life estate does not specify a distribution of proceeds; or where the vested remainderman and life tenant have not entered into a written agreement approved by the Secretary providing for the distribution of proceeds; or where, by such document or agreement or by the application of State law, the open mine doctrine does not apply; the Secretary shall:

(a) Distribute all rents and profits, as income, to the life tenant.

(b) Distribute any contract bonus one-half each to the life tenant and the remainderman.

(c) In the case of mineral contracts, invest the principal, with interest income to be paid the life tenant during the life estate, except in those instances where the administrative cost of investment is disproportionately high, in which case § 179.4(d) shall apply. The principal will be distributed to the remainderman upon termination of the life estate.

(d) In all other instances, distribute the principal immediately according to the formulas set forth in § 179.5, investing all proceeds attributable to any contingent remainderman in an account, with disbursement to take place upon determination of the contingent remainderman.

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§ 179.5 Value of life estates and remainders.

(a) The value of a life estate shall be determined by the formula: Value of Life Estate = $P \times L$, where P = Value of principal, and L = Life estate factor for the age and sex of the life tenant, as shown in Column 2 on Tables A(1) and A(2).

(b) The value of a remainder shall be determined by the formula: Value of Remainder = $P \times R$, where P = Value of principal, and R = Remainder factor for the age and sex of the life tenant, as shown in Column 3 on Tables A(1) and A(2).

TABLE A(1)—SINGLE LIFE MALE, 6 PERCENT, SHOWING THE PRESENT WORTH OF A LIFE ESTATE INTEREST, AND OF A REMAINDER INTEREST

(1)—Age	(2)—Life estate	(3)—Remainder
0	0.9305	0.06295
1 .....	.96217	.03783
2 .....	.96170	.03830
3 .....	.96053	.03947
4 .....	.95905	.04095
5 .....	.95732	.04268
6 .....	.95540	.04460
7 .....	.95331	.04669
8 .....	.95195	.04895
9 .....	.94861	.05139
10 .....	.94598	.05402
11 .....	.94316	.05684
12 .....	.94019	.05981
13 .....	.93708	.06292
14 .....	.93391	.06609
15 .....	.93069	.06931
16 .....	.92746	.07254
17 .....	.92419	.07581
18 .....	.92089	.07911
19 .....	.91751	.08249
20 .....	.91403	.08597
21 .....	.91046	.08954
22 .....	.90678	.09328
23 .....	.90292	.09702
24 .....	.89884	.10116
25 .....	.89445	.10555
26 .....	.88972	.11028
27 .....	.88465	.11535
28 .....	.87925	.12075
29 .....	.87353	.12647
30 .....	.86750	.13250
31 .....	.86117	.13883
32 .....	.85451	.14549
33 .....	.84752	.15248
34 .....	.84020	.15980
35 .....	.83255	.16745
36 .....	.82455	.17545
37 .....	.81622	.18378
38 .....	.80755	.19245
39 .....	.79854	.20146
40 .....	.78923	.21077
41 .....	.77960	.22040